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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/723,846

11/26/2003

Dean Foote

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9688

26389

7590

07/17/2006

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EXAMINER

PATEL, VISHAL A

ART UNIT

PAPER NUMBER

3673

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/723,846	FOOTE ET AL.	
	Examiner	Art Unit	
	Vishal Patel	3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitations “a planar containment surface” and “by pressure applying a force solely in an axial direction normal to the planar containment surface” are not described in the claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Walker (US. 4,150,836).

Walker discloses a seal assembly comprising a body (16) adapted to contain internal pressure (pressure in body 16) having an opening with inwardly tapered peripheral sidewall (tapered wall where seal 24 contacts). A closure (10) adapted to close the opening, the closure having an attachment portion larger than the opening (this is the case since the opening is closed

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by the closure having 14) and an axially projecting stopper (portion having wall 20) having an endless peripheral seal groove (groove having 24 and 42) extending in spaced relation around the axis in which is positioned a peripheral seal (24) that engages the tapered peripheral sidewall of the body in interference fit relation, thereby conforming to the tapered peripheral sidewall (the seal 24 conforms to the tapered sidewall). The seal groove providing a planar containment surface (flat surface of the groove 30).

A backing ring (42) of pliable memory retaining material sheltered from internal pressure within the body by the peripheral seal and positioned between the peripheral seal groove and the attachment portion of the closure. The backing ring engaging the tapered peripheral sidewall of the body in interference fit relation and conforming to the tapered peripheral sidewall while being sufficiently stiff as to resist extrusion flow under pressure (this is the case since 42 is an anti-extrusion ring and engages the tapered peripheral sidewall), *such that when the peripheral seal deforms (intended use but as seen in figure 4 the seal deforms) in response to an increase in internal pressure within the body and extrusion gaps begin to form between the attachment portion of the closure and the body (intended use, but the pressure that flow between the member 16 and 14 will also deform the seal), the peripheral seal is extruded in an axial direction (the seal extends both axially and radially when the seal deforms) against the backing ring (the seal is extruded against the backing ring 42, the limitations above are considered as intended use limitaions or method limitaions and given little patentable weight in apparatus claim), that* portion of the backing ring engaging the tapered peripheral side wall of the body plastically deforming by changing shape (the backing ring 42 changes shape) and applying sealing pressure (method limitation given no patentable weight in an apparatus claim, but the backing ring

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provides a secondary seal) at the extrusion gap to prevent the peripheral seal from entering the extrusion gaps (as demonstrated in figures 3a-3b).

As stated applicant has described limitations that are intended use limitations and are given little patentable weight in an apparatus claim.

The pressure between the threads is directed in an axial direction to provide only an axial force (column 2, lines 65-67).

Response to Arguments

5. Applicant's arguments filed 11/18/05 have been fully considered but they are not persuasive.

Applicants' argument that the reference of Walker teaches extrusion in both directions radial and axial is correct but the pressure that is sent through in an axial direction between the threads causes the extrusion.

Applicants' arguments are not persuasive because Walker does teach that the peripheral seal is extruded by pressure applying a force solely in axial direction normal to the planar containment surface (column 2, lines 65-67).

Furthermore as stated the extrusion in applicants' invention (the thickness is increased in the radial direction and the o-ring is moved further in a triangular gap between the member 28 and 12, see figures 4-5) is in two direction by a force that can be axial or radial or both and Walker is also extruded in two direction by a single force.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is 571-272-7060. The examiner can normally be reached on 6:30am to 8:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia L. Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP
July 10, 2006

A handwritten signature in black ink, appearing to read 'Vishal Patel', followed by a large, stylized flourish or initial.

Vishal Patel
Primary Examiner
Tech. Center 3600